

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JEFFREY PAUL COOK,
Plaintiff,

v.

Case No. 09C1100

**WISCONSIN DEPARTMENT OF
CORRECTIONS, EILEEN HAFHEY,
and PENNY VOGT,**
Defendants.

ORDER

Pro se plaintiff Jeffrey Paul Cook brings this civil rights action against his probation officer, her supervisor and the Department of Corrections. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). However, plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Neitzke v. Williams, 490 U.S. 319, 324 (1989). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff has filed the required affidavit of indigence. Upon review of that affidavit, the court is satisfied that plaintiff meets the poverty requirements of 28 U.S.C. § 1915. Although plaintiff indicates that his spouse is employed with a monthly income of \$1700, plaintiff avers that he is unemployed, deeply in debt, has

no savings, supports three children, and has large monthly expenses exceeding their combined income. Thus, I will permit plaintiff to proceed without payment of fees.

I will deny plaintiff's motion for temporary restraining order at this time without prejudice to his right to renew it.

For the foregoing reasons,

IT IS ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket # 2) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion for temporary restraining order is **DENIED WITHOUT PREJUDICE**.

ADDITIONALLY, IT IS ORDERED, pursuant to Fed. R. Civ. P. 4(c)(3), that the U.S. Marshals Service shall serve a copy of the complaint, the motion for temporary restraining order, a waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8 per item. 28 C.F.R. §§ 0.114(a)(2). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Plaintiff, however, should provide defendants or their counsel with copies of all future motions or papers filed by the plaintiff in this action.

Dated at Milwaukee, Wisconsin this 1 day of December, 2009.

/s _____
LYNN ADELMAN
District Judge